

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DERRICK WHEATT, *et al.*,

Plaintiffs,

vs.

CITY OF EAST CLEVELAND, *et al.*,

Defendants.

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CASE NOS. 1:17-CV-377 &
1:17-CV-611 (consolidated)

OPINION & ORDER
[Resolving Docs. [364](#), [385](#), [387](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On August 29, 2019, the Court held Plaintiffs' motion for judgment on their indemnification claim in abeyance pending the Ohio Supreme Court's resolution of *Ayers v. City of Cleveland*.¹ The Court instructed that Plaintiffs could renew their argument once *Ayers* is decided. Accordingly, there has been no final judgment in this case.

Because there has been no final judgment, the Court hereby denies three of Defendants' motions as premature. See Doc. [364](#) (motion to stay execution of judgment); Doc. [385](#) (motion to stay debt collection proceedings); Doc. [387](#) (motion to waive bond). Defendants may renew these motions once the court renders final judgment in this case.

IT IS SO ORDERED

Dated: August 29, 2019

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

¹ No. 2018-0852. Oral Argument in *Ayers* was held on January 12, 2019; the Ohio Supreme Court has yet to decide the case. See docket, available at: <http://www.supremecourt.ohio.gov/Clerk/ecms/#/caseinfo/2018/0852>.